

Department of Health
Rulemaking Hearing Rules
Board of Veterinary Medical Examiners
Division of Health Related Boards

Chapter 1730-1
General Rules Governing Veterinarians

Chapter 1730-2
General Rules Governing Veterinary Facilities

Chapter 1730-3
General Rules Governing Veterinary Medical Technicians

Chapter 1730-4
General Rules Governing Certified Animal Control Agencies

Chapter 1730-5
General Rules Governing Certified Animal Euthanasia Technicians

Amendments

Rule 1730-1-.04, Qualifications for Licensure, is amended by deleting subparagraph (2) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2) (c) shall read:

- (2) (c) Has engaged in active veterinary practice for the previous five (5) years immediately preceding submission of the application. "Active veterinary practice", for the purpose of this section is defined as practice in the area of veterinary medicine as defined in T.C.A. § 63-12-103(7) for an average of thirty (30) hours per week;

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, and 63-12-117.

Rule 1730-1-.11, Retirement and Reactivation of License, is amended by adding the following language as new paragraph (3) and renumbering the present paragraph (3) as paragraph (4):

- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-1-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, and 63-12-121.

Rule 1730-1-.14, Temporary License, is amended by deleting paragraphs (1), (2), (3), (4), (5) and (6) in their entirety and substituting instead the following language, and is further

amended by deleting paragraphs (7), (8) and (9) in their entirety, so that as amended, the new paragraphs (1), (2), (3), (4), (5) and (6) shall read:

(1) Veterinarian by Examination.

- (a) An applicant who is a graduate of a school or college of veterinary medicine that is approved by the board and who meets all the qualifications and requirements for a Tennessee veterinary license may also file an application for a temporary license.
- (b) Unless the Board revokes the temporary license, the temporary license shall expire thirty (30) days after the date of the next scheduled examination.
- (c) If a holder of a temporary license does not report, without prior notice in writing, to take the next scheduled examination, the temporary license expires on the date of the examination.
- (d) If a holder of a temporary license fails the examination, he may file an application for another temporary license and pay the fee pursuant to Rule 1730-1-.06.
- (e) No individual shall be issued more than three (3) temporary licenses under this section.

(2) Veterinarian by Reciprocity.

- (a) An applicant who is a licensed veterinarian according to the laws of another state and who meets all other qualifications for licensure may also file an application for a temporary license.
- (b) The temporary license shall expire upon the Board's ruling on the application for licensure.

(3) Foreign graduates.

- (a) An applicant who is a graduate of a non-accredited or non-approved college of veterinary medicine and who satisfactorily completed the fourth (4th) year of clinical study at an accredited or approved college of veterinary medicine may also file an application for a temporary license.
- (b) The veterinarian shall have passed the examinations as provided in Rule 1730-1-.08.
- (c) The veterinarian shall be currently enrolled in the Educational Commission for Foreign Veterinary Graduates (ECFVG) program of the

American Veterinary Medical Association or other certification program deemed by the Board to be equivalent to the ECFVG program.

- (d) The temporary license is valid until the veterinarian obtains the ECFVG or equivalent certification.
 - (e) A temporary license issued pursuant to this section shall not be valid for more than a maximum of eighteen (18) months from the date the temporary license is issued.
- (4) The application for temporary license must be completed and signed by the supervising veterinarian in the presence of a notary. Information submitted must include the supervising veterinarian's name, Tennessee license number, facility name, address, and telephone number where the temporary license holder will be working.
 - (5) The Temporary License fee specified in Rule 1730-1-.06 must accompany the application for temporary license.
 - (6) The supervising veterinarian must attest that he will provide direct supervision of the temporary license holder. Direct supervision is defined in Rule 1730-1-.10.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-112, and 63-12-113.

Rule 1730-2-.02, Veterinary Facilities Inspections and Premises Permit, is amended by deleting paragraphs (2) and (8) in their entirety and substituting instead the following language, so that as amended, the new paragraphs (2) and (8) shall read:

- (2) The board shall make inspections of veterinary premises once every two (2) years. Inspections shall be done by licensed veterinarian(s) representing the board.
- (8) Any facility, permanent or mobile, where a licensed veterinarian practices must have a premises permit issued by the board. Upon application and payment of fees as set by rule of the board, the board shall cause such facility to be inspected, with re-inspections as necessary. A premises permit shall be issued if the facility meets minimum standards including, but not limited to sanitary conditions, recordkeeping, physical plant and equipment, method of operation, services required, and surgical area.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139.

Rule 1730-2-.02, Veterinary Facilities Inspections and Premises Permit, is amended by deleting paragraphs (3), (4), and (5) in their entirety and renumbering the remaining paragraphs accordingly.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139.

Rule 1730-2-.08, Small Animal Surgery, is amended by adding the following language as new subparagraph (2) (a) and renumbering the remaining subparagraphs accordingly:

- (2) (a) The surgery room shall be completely and totally enclosed, and shall have four (4) walls, a ceiling, and a solid door or partition that extends to the ceiling.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, and 63-12-139.

Rule 1730-3-.11, Retirement and Reactivation of License, is amended by adding the following language as new paragraph (3) and renumbering the present paragraph (3) as paragraph (4):

- (3) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-3-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-121, and 63-12-135.

Rule 1730-4-.07, Requirements for Inspection, is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) Upon receipt of a completed application packet and fees an on-site inspection will be scheduled by a premises inspector. The inspection will include the physical location where the euthanasia solution will be stored and administered, and a review of the paperwork requirements with the responsible person of the entity and/or the C.A.E.T.(s).
 - (a) The euthanasia room shall be enclosed and in a separate location from other animals temporarily housed on the premises.
 - (b) Cages, pens, and stalls are to be kept in a clean and orderly condition, in a well-lighted area, and in good repair to prevent injury to animals and to promote physical comfort.
 - (c) Small animals housed outside must have adequate shelter and bedding if the temperature drops below fifty degrees (50°) Fahrenheit and sufficient cooling or shade if the temperature rises above eighty-five degrees (85°) Fahrenheit.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-129, 63-12-139, and 63-12-141.

Rule 1730-5-.08, Renewal Application and Reinstatement/Reactivation of Expired or Retired Certificate, is amended by adding the following language as new subparagraph (3) (d) and renumbering the present subparagraph (3) (d) as subparagraph (3) (e):

- (3) (d) If reactivation was requested prior to the expiration of one (1) year from the date of retirement, the Board shall require payment of the late renewal fee, the past due renewal fee, and the state regulatory fee as provided in Rule 1730-5-.06.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-12-106, 63-12-121, and 63-12-141.

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Legal Contact: Nicole Armstrong, Assistant General Counsel, Office of General Counsel, 26th Floor, William R. Snodgrass Tennessee Tower, 312 Eighth Avenue North, Nashville, TN 37247-0120, (615) 741-1611.

Contact for disk acquisition and/or party who will approve final copy for publication: Jerry Kosten, Regulations Manager, Division of Health Related Boards, First Floor Cordell Hull Building, 425 Fifth Avenue North, Nashville, TN 37247-1010, (615) 532-4397.

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

Leland D. Davis, D.V.M., President
Board of Veterinary Medical Examiners

The roll call vote by the Board of Veterinary Medical Examiners on these rulemaking hearing rules was as follows:

Board Members	Aye	No	Abstain	Absent
Jerry Wilhite, D.V.M.	<u>X</u>	_____	_____	_____
Leland D. Davis, D.V.M.	<u>X</u>	_____	_____	_____
Charles M. Thompson, D.V.M.	<u>X</u>	_____	_____	_____
Thomas Edmunds, D.V.M.	<u>X</u>	_____	_____	_____
Mary Welch, D.V.M.	<u>X</u>	_____	_____	_____
Mary A.E. Grell, L.V.T.	<u>X</u>	_____	_____	_____
Marie Gordon	_____	_____	_____	<u>X</u>

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board of Veterinary Medical Examiners on the 9th day of December, 2004.

Further, I certify that the provisions of T.C.A. § 4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking hearing has been filed in the Department of State on the 27th day of August, 2004 and such notice of rulemaking hearing having been published in the September 15, 2004 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 23rd day of November, 2004.

Robbie H. Bell, Director
Health Related Boards

Subscribed and sworn to before me this the 9th day of December, 2004.

Notary Public

My commission expires on the 25th day of March, 2006.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Paul G. Summers
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the _____ day of _____, 200____, and will become effective on the _____ day of _____, 200____.

Riley C. Darnell
Secretary of State

By: _____